

REMARKS

This responds to the Office Action mailed on April 19, 2006.

Claim 41 is amended; as a result, claims 1-10 and 29-46 are now pending in this application.

IN THE SPECIFICATION

The cover sheet of the Office Action indicated that the Specification was objected to, but the body of the Office Action did not specify an objection. Applicant respectfully seeks clarification.

Objections to the Claims

Claim 41 was objected to due to informalities. Claim 41 was amended as suggested by the Examiner. Withdrawal of the objection is respectfully requested.

§112 Rejection of the Claims

Claim 44 was rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses the rejection and requests the Office to consider the following.

In the specification, it states:

In an embodiment, the non-linear boundary 546 includes two surfaces that are set at an obtuse but interior angle with respect to each other.

Applicant respectfully asserts that an obtuse angle is greater than a right angle, and that the range of angles is from 91° (greater than a right angle) to 179° (an interior angle). The Office Action is incorrect that the angle 90°, is not an obtuse angle, and that the Disclosure does not teach or claim the angle 180°. Withdrawal of the rejection is respectfully requested.

§103 Rejection of the Claims

Claims 1, 3 and 31 were rejected under 35 USC § 103(a) as being unpatentable over Juskey et al. (U.S. 6,356,453) in view of Akram (U.S. 6,048,656). Applicant respectfully traverses the rejection and requests the Office to consider the following.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (M.P.E.P. § 2143 8th Ed, Rev.4).

The Office Action must provide specific, objective evidence *of record* for a finding of a teaching, suggestion, or motivation to combine reference teachings and must explain the reasoning by which the evidence is deemed to support such a finding. *In re Sang Su Lee*, 277 F.3d 1338 (Fed. Cir. 2002). (Emphasis added).

It is impermissible to use the claimed invention as a “template” to piece together the teachings of the prior art to render the claimed invention obvious. *In re Fritch*, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992).

The Office Action admits throughout that “Juskey does not teach a fluid flow barrier disposed local to the passive component site and spaced apart from the active component site.” (*E.G.* Office Action at page 4, *passim*). Applicant agrees. Applicant cannot find, and Applicant believes, that the Office has not provided a motivation to combine the cited references, reference, absent using Applicant's disclosure as a guide.

Applicant notes with respect to the independent claims 1, 31, and 41, that the Office has not provided a motivation to combine the cited references, reference, absent using Applicant's disclosure as a guide. Withdrawal of the rejections is respectfully requested.

Claims 2, 4-6, 29, 30, 32-36 and 41-46 were also rejected under 35 USC § 103(a) as being unpatentable over Juskey et al. in view of Akram and Tang et al. (U.S. 6,291,264). Applicant respectfully traverses the rejection and requests the Office to consider the following.

The Office Action admits throughout that “Juskey does not teach a fluid flow barrier disposed local to the passive component site and spaced apart from the active component site.” The Office Action looks to Tang. Tang, however, also fails to teach “a perimeter around the passive component site” (admitted by the Office at page 6 of the Office Action), such that the Office has not provided a motivation to combine the cited references, absent using Applicant’s disclosure as a guide. Withdrawal of the rejections is respectfully requested.

Claims 9 and 39 were also rejected under 35 USC § 103(a) as being unpatentable over Juskey et al. (U.S. 6,356,453) in view of Akram, Tang et al. and Chason et al. (U.S. 2004/0118599). Applicant respectfully traverses the rejection and requests the Office to consider the following.

The Office Action admits throughout that “Juskey does not teach a fluid flow barrier disposed local to the passive component site and spaced apart from the active component site.” The Office Action looks to Tang. Tang, however, also fails to teach “a perimeter around the passive component site” (admitted by the Office at page 6 of the Office Action). The Office next looks to Chason. But Chason only teaches electromechanical components, such that the Office has not provided a motivation to combine the cited references, absent using Applicant’s disclosure as a guide. Withdrawal of the rejections is respectfully requested.

Claims 7, 8, 37 and 38 were also rejected under 35 USC § 103(a) as being unpatentable over Juskey et al. (U.S. 6,356,453) in view of Akram and Kemmochi et al. (U.S. 2004/0032706). Applicant respectfully traverses the rejection and requests the Office to consider the following.

The Office Action admits throughout that “Juskey does not teach a fluid flow barrier disposed local to the passive component site and spaced apart from the active component site.” The Office next looks to Kemmochi. But the 3-5 mm distance in Kemmochi has nothing to do with what is claimed, such that the Office has not provided a motivation to combine the cited

references, absent using Applicant's disclosure as a guide. Withdrawal of the rejections is respectfully requested.

Claims 10 and 40 were also rejected under 35 USC § 103(a) as being unpatentable over Juskey et al. (U.S. 6,356,453) in view of Akram and Maa et al. (U.S. 2003/0070835). Applicant respectfully traverses the rejection and requests the Office to consider the following.


The Office Action admits throughout that "Juskey does not teach a fluid flow barrier disposed local to the passive component site and spaced apart from the active component site." The Office next looks to Maa. But Maa has nothing to do with a fluid-flow barrier with a trench floor that is a dielectric, such that the Office has not provided a motivation to combine the cited references, absent using Applicant's disclosure as a guide. Withdrawal of the rejections is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((801) 278-9171) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,
JUAN LANDEROS ET AL.
By their Representatives,
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, Minnesota 55402
(801) 278-9171

By /  /
Jo
Reg. No. 40,362